

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants.

CIVIL NO: 3:22-cv-00049-NKM-JCH

**PLAINTIFFS' MOTION TO SEAL EXHIBIT 1A TO PLAINTIFFS'
REPLY IN SUPPORT OF MOTION FOR SANCTIONS
AS TO DEFENDANTS JOSHUA MAST AND STEPHANIE MAST**

Plaintiffs, by counsel, respectfully move for leave to file under seal Exhibit 1A of their Reply in Support of Motion for Sanctions as to Defendants Joshua Mast and Stephanie Mast (“Reply”), pursuant to Local Civil Rule 9 and this Court’s Protective Order (ECF No. 26). In support thereof, Plaintiffs state as follows:

Exhibit 1A of the Reply in Support of Motion for Sanctions is a privilege log created by Defendants Joshua and Stephanie Mast that contains references to Baby Doe using the name given to her by Defendants. This Court has issued a Protective Order (ECF No. 26) allowing Plaintiffs, including Baby Doe, to proceed under pseudonyms, given the concern for their safety and that of other innocent non-parties, such as their family members.

Under the common law right of access to judicial records, documents should be sealed when a party’s interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). “Courts have recognized that an interest in protecting the physical and psychological well-being of individuals

related to the litigation, including family members and particularly minors, may justify restricting access” to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020). In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court’s Protective Order (ECF No. 26).

A publicly available version of Exhibit 1A has not been filed because it contains identifying information throughout, but it is addressed in the Reply. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs’ identities.

Accordingly, Plaintiffs request that Exhibit 1A of their Reply in Support of Motion for Sanctions be filed under seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time. A proposed Order is attached as Exhibit A to this Motion.

Dated: May 3, 2024

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of May 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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